

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652

vs.

HON. GEORGE CARAM STEEH

BILLY ARNOLD, et al,

Defendants.

_____ /

ORDER FINDING MICHAEL DAVIS IN CRIMINAL
CONTEMPT OF COURT FOR REFUSING TO TESTIFY AT TRIAL

This matter is before the court on witness Michael Davis' refusal to testify when called as a witness at trial in the above-captioned matter. On March 8, 2018 the government indicated its intention to call Michael Davis to the stand to testify, but alerted the court to its belief that Mr. Davis would refuse to testify and would invoke his Fifth Amendment right against self-incrimination. The court held three hearings with Mr. Davis outside the presence of the jury. Mr. Davis was represented by counsel who was present in court and who had an opportunity to consult with Mr. Davis prior to the hearing.

The government provided a letter extending full statutory immunity to Mr. Davis which covered his testimony. The court explained to Mr. Davis

that the immunity offered by the government extended to and was binding on all federal and state authorities. The court then granted Mr. Davis immunity under 18 U.S.C. § 6002 and informed him that if he testified he could only be prosecuted for perjury. The government attorney outlined the subject matter of the questions he would be asking Mr. Davis. The court explained that if Mr. Davis refused to testify, the government would seek an indictment for such refusal. The court further informed Mr. Davis that if he refused to testify he would be held in contempt of court, explaining that the penalty included a potentially lengthy prison sentence pursuant to sentencing guidelines if he was found guilty.

The court ordered Mr. Davis to testify and Mr. Davis refused. The court found on the record that Mr. Davis was in contempt of court for failing to testify despite being given full immunity by the government. Now, therefore, for the reasons stated on the record as well as in this written order,

IT IS HEREBY ORDERED that Michael Davis is found to be in criminal contempt of court for defying the court's order to testify.

IT IS SO ORDERED.

Dated: March 14, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
March 14, 2018, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk